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April 1, 2025

Via Electronic Filing

The Hon. Judge Natasha C. Merle
U.S. District Court Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: *Hernandez et al v. Rosso Uptown, Ltd. et al*
Case No.: 2:20-cv-04026

Dear Honorable Judge Merle:

This law firm represents Defendants Rosso Uptown, Ltd. (the “Corporate Defendant”), Michael Tizzano and Massimo Gammella (together, the “Individual Defendants”, and collectively with the Corporate Defendant, the “Defendants”) in the above-referenced matter. This letter includes a position statement from Plaintiffs’ counsel.

Yesterday, I was informed by that Plaintiffs’ counsel that he has lost contact with Plaintiff Emmanuel De Jesus Lievano (“Plaintiff Lievano”). Given that a settlement conference is scheduled for April 3, 2025 before the Honorable Judge Locke, Defendants respectfully request the entry of an order directing that Plaintiff Lievano’s failure to attend the settlement conference will result in the dismissal of his claims, with prejudice. Plaintiff Lievano’s attendance at the settlement conference is mandatory, pursuant to Rule (3)(C) of the Honorable Magistrate Judge Locke’s Individual Motion Practices.

Plaintiff’s position is as follows: Emanuel De Jesus Lievano’s phone has been disconnected since Monday, March 31, 2025. We respectfully request that the Court direct Mr. Lievano to either appear in-person at the settlement conference on April 3, 2025 or, in the alternative, to contact the Moser Law Firm at (631) 827-4248 prior to the conference so that the Moser Law Firm has the authority to settle his case. We also request that any dismissal be *without prejudice*. Finally, we request that the Moser Law Firm be directed to serve the Court’s order by hand delivery to Mr. Lievano’s last known address and via email to his last known email address.

Thank you, in advance, for your time and attention to this matter.

Respectfully submitted,

LEVIN-EPSTEIN & ASSOCIATES, P.C.

By: /s/ Joshua Levin-Epstein

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The Hon. Magistrate Judge Steven I. Locke
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